

Introduced by Senator Denham

February 27, 2009

An act to add Chapter 8 (commencing with Section 1007) to Division 4 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 647, as introduced, Denham. Military and Veterans Education Assistance Award Program.

Existing law provides certain benefits for qualifying veterans.

This bill would establish the Military and Veterans Education Assistance Award Program on behalf of qualifying members of the United States Armed Forces, California National Guard, the State Military Reserve, or the Naval Militia, under the shared administration of the Military Department and the Student Aid Commission. This bill, under the award program, would offer education assistance benefits to qualifying students for approved programs of education, as defined, for a specified amount of time.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 8 (commencing with Section 1007) is
- 2 added to Division 4 of the Military and Veterans Code, to read:

1 CHAPTER 8. MILITARY AND VETERANS EDUCATION ASSISTANCE
2 AWARD PROGRAM
3

4 1007. (a) Commencing with the 2009–10 academic year, and
5 each academic year thereafter, an award may be available to each
6 qualifying student.

7 (b) A qualifying student shall meet all of the following
8 conditions to be eligible to receive an award:

9 (1) The person is a resident within the meaning of Section 68017
10 of the Education Code.

11 (2) The person is an individual who:

12 (A) On or after September 11, 2001, first becomes a member
13 of the Armed Forces or first enters active duty as a member of the
14 Armed Forces and serves an aggregate of at least two years of
15 active duty in the military or, before completion of service, is
16 discharged or released.

17 (B) Completes the requirements of a secondary school diploma
18 or equivalency certificate, or successfully completes or receives
19 academic credit for the equivalent of 12 semester hours in a
20 program of education leading to a standard college degree.

21 (C) After completion of service continues on active duty or is
22 discharged from active duty with an honorable discharge.

23 (c) Every person applying for an award shall submit an
24 application for an award to the Adjutant General. The Adjutant
25 General shall review the applications for awards and certify the
26 eligibility of the qualifying student to the Student Aid Commission.

27 (d) A qualifying student who is entitled to an award is entitled
28 to 36 months of educational assistance.

29 (e) A qualifying student's entitlement to assistance expires at
30 the end of the 15-year period beginning on the date of the
31 qualifying student's last discharge or release from duty.

32 1007.1. For purposes of this chapter:

33 (a) "Approved program of education" means all of the following:

34 (1) Curriculum or any combination of unit courses or subjects
35 pursued at an educational institution that is generally accepted as
36 necessary to fulfill requirements for the attainment of a
37 predetermined and identified educational, professional, or
38 vocational objective.

39 (2) Curriculum of unit courses or subjects pursued at an
40 educational institution that fulfill requirements for the attainment

1 of more than one predetermined and identified educational,
2 professional, or vocational objective if all the objectives pursued
3 are generally recognized as being reasonably related to a single
4 career field.

5 (3) National tests for admission to institutions of postsecondary
6 education or graduate schools (such as the Scholastic Aptitude
7 Test (SAT), Law School Admission Test (LSAT), Graduate Record
8 Examination (GRE), and Graduate Management Admission Test
9 (GMAT)) and national tests providing an opportunity for course
10 credit at institutions of postsecondary education (such as the
11 Advanced Placement (AP) examination and College-Level
12 Examination Program (CLEP)).

13 (4) A preparatory course for a test that is required or used for
14 admission to an institution of postsecondary education.

15 (5) A preparatory course for a test that is required or used for
16 admission to a graduate school.

17 (b) “Award” means a Military and Veterans Education
18 Assistance Award.

19 (c) “Educational institution” means any public or private
20 elementary school, secondary school, vocational school,
21 correspondence school, business school, junior college, teachers’
22 college, college, normal school, professional school, university,
23 or scientific or technical institution, or other institution furnishing
24 education for adults. “Educational institution” includes any entity
25 that provides training required for completion of any state-approved
26 alternative teacher certification program, any private entity that
27 offers, either directly or under an agreement with another entity,
28 a course or courses to fulfill requirements for the attainment of a
29 license or certificate generally recognized as necessary to obtain,
30 maintain, or advance in employment in a profession or vocation
31 in a high technology occupation, and any qualified provider of
32 entrepreneurship courses.

33 (d) “Established charges” means the actual charges for tuition,
34 fees, and other educational costs, including, but not limited to,
35 required supplies, books, and equipment, which similarly
36 circumstanced nonqualifying veterans enrolled in the approved
37 program of education would be required to pay. “Established
38 charges” shall be determined by the Student Aid Commission as
39 follows:

(1) In the case of a qualifying student enrolled in an approved program of education offered on a term, quarter, or semester basis, the tuition and fees charged to the qualifying student for the term, quarter, or semester.

(2) In the case of a qualifying student enrolled in an approved program of education not offered on a term, quarter, or semester basis, the tuition and fees charged to the qualifying student for the entire program of education.

(e) "Military" means the United States Armed Forces, California National Guard, the State Military Reserve, or the Naval Militia.

1007.2. (a) The Student Aid Commission shall be responsible for issuing awards, authorized by Section 1007, upon receipt of a certificate from the Adjutant General verifying that the applicant meets the eligibility requirements of this chapter, upon a determination by the commission that the application has otherwise met the requirements of this chapter, if funds are available for this purpose.

(b) The amount of the award shall be the sum of either of the following:

(1) For qualifying students who are not on active duty:

(A) An amount equal to the established charges for an approved program of education including, but not limited to, tuition and fees.

(B) An amount equal to the room and board of the qualifying student. The amount payable under this paragraph for the room and board of the qualifying student shall not exceed an amount equal to the standard dormitory fee that similarly circumstanced nonqualifying students enrolled in the approved program of education involved would be required to pay.

(C) A monthly stipend in the amount of one thousand dollars (\$1,000).

(D) Payments made pursuant to subparagraphs (A) and (B) shall be made in a lump-sum amount for the approved program of education before the commencement of the quarter, semester, or term. Payments made pursuant to subparagraph (C) shall be made on a monthly basis.

(2) (A) For qualifying students on active duty, the established charges that similarly circumstanced nonqualifying students enrolled in the approved program of education involved would be required to pay.

1 (B) Payments made pursuant to subparagraph (A) shall be made
2 in a lump-sum amount for the entire quarter, semester, or term, as
3 applicable, of the approved program of education before the
4 commencement of the quarter, semester, or term.

5 (C) For each month for which amounts are paid to a qualifying
6 student under this paragraph, the entitlement of the qualifying
7 student shall be charged at the rate of one month for each month.

8 (3) (A) For qualifying students who pursue an approved
9 program of education on a less than half-time basis, the established
10 charges that similarly circumstanced nonqualifying students
11 enrolled in the approved program of education involved would be
12 required to pay.

13 (B) Payments made pursuant to subparagraph (A) shall be made
14 not later than the last day of the month immediately following the
15 month in which certification is received by the Student Aid
16 Commission from the educational institution involved that the
17 qualifying student has enrolled in and is pursuing an approved
18 program of education at the institution.

19 (C) For each month for which amounts are paid to a qualifying
20 student under this paragraph, the entitlement of the qualifying
21 student to an award shall be charged at a percentage of a month
22 equal to the number of course hours borne by the qualifying student
23 in pursuit of the approved program of education involved divided
24 by the number of course hours for full-time pursuit of the approved
25 program of assistance.

26 (4) For qualifying students who pursue a full-time program of
27 apprenticeship of other on-the-job training:

28 (A) An amount equal to the established charges that similarly
29 circumstanced nonqualifying students enrolled in the approved
30 program of education would be required to pay.

31 (B) A monthly stipend in the amount of one thousand dollars
32 (\$1,000).

33 (C) Payments made pursuant to subparagraph (A) shall be made
34 in either a lump sum before the commencement of the program,
35 as determined by the Student Aid Commission, or on a monthly
36 basis. Payments made pursuant to subparagraph (B) shall be made
37 on a monthly basis.

38 (D) For each month for which amounts are paid to a qualifying
39 student under this paragraph, the entitlement of the qualifying
40 student shall be charged at the rate of one month for each month.

1 (5) For qualifying students who pursue an approved program
2 of education exclusively by correspondence:

3 (A) An amount equal to 55 percent of the established charges
4 that similarly circumstanced nonqualifying students enrolled in
5 the approved program of education would be required to pay. For
6 purposes of this subparagraph, “established charges” means the
7 lesser of the charge for the course or courses under the approved
8 program of education, as determined on the basis of the lowest
9 extended time payment plan offered by the educational institution
10 involved or the actual charge to the qualifying student for the
11 course or courses.

12 (B) Payments made pursuant to subparagraph (A) shall be made
13 quarterly on a pro rata basis for the lessons completed by the
14 individual and serviced by the educational institution involved.

15 (C) For each month for which amounts are paid to a qualifying
16 student under this paragraph, the entitlement of the qualifying
17 student shall be charged at the rate of one month for each month.

18 (6) For qualifying students who pursue an approved program
19 of education consisting of flight training:

20 (A) An amount equal to the established charges that similarly
21 circumstanced nonqualifying students enrolled in the approved
22 program of education would be required to pay.

23 (B) A monthly stipend in the amount of one thousand dollars
24 (\$1,000).

25 (C) Payments made pursuant to subparagraphs (A) and (B) shall
26 be made on a monthly basis.

27 (D) For each month for which amounts are paid to a qualifying
28 student under this paragraph, the entitlement of the qualifying
29 student shall be charged at the rate of one month for each month.

30 (c) A qualifying student entitled to an award pursuant to this
31 chapter shall also be entitled to payment for one licensing or
32 certification test. The amount payable pursuant to this subdivision
33 shall not exceed the lesser of two thousand dollars (\$2,000) or the
34 fee charged for the test. Any amount paid to a qualifying student
35 is in addition to any other education assistance benefit provided
36 to the qualifying student under this chapter.

37 (d) Qualifying students shall not receive both an award pursuant
38 to this chapter and any Cal Grant Award for the same academic
39 year.

1 1007.3. (a) The Student Aid Commission shall administer the
2 award program, and, in consultation with the Adjutant General
3 and the Military Department, shall adopt rules and regulations for
4 this purpose. The Student Aid Commission may solicit the advice
5 of representatives from postsecondary educational institutions
6 regarding any proposed rules and regulations. The rules and
7 regulations shall include, but are not limited to, the following:

8 (1) Methods for determining the number of months, including
9 fractions thereof, of entitlement of a qualifying student to an award
10 pursuant to this chapter that are chargeable pursuant to this chapter
11 for an advance payment of amounts for pursuit of an approved
12 program of education on a quarter, semester, term, or other basis.

13 (2) The nature and amount of tuition, fees, and other expenses
14 constituting the established charge for a program of apprenticeship
15 or training, including room and board.

16 (b) The Student Aid Commission may enter into contracts with
17 a public agency or a private entity to improve the processing and
18 distribution of awards through the use of electronic networks and
19 unified databases.